

(SRI T. CHANNIAH.)

The period of such appointment will not exceed one year in any case. Action would be taken expeditiously to hold the elections and reconstitute the councils. I commend the Bill for the acceptance of this Hon'ble House.

Sri Mulka GOVINDA REDDY.—I want one clarification. You say that in certain cases elections might not be held due to the fault of the President or the Vice-President of a municipal council and in that event a vacuum will arise and therefore the Government must step in and hold elections. Then why do you require one year in such an event?

Sri T. CHANNIAH.—That is the maximum period.

Sri Mulka GOVINDA REDDY.—Why should you have a maximum period of one year? In that case a month or two or at least 3 months will be enough for holding elections.

Sri T. CHANNIAH.—It may be within 15 days that election could be held. But one year is the maximum period provided.

Mr. SPEAKER.—The question is:

“That the Mysore City and Town Municipalities (Amendment) Bill, 1955, be taken into consideration.”

*The motion was adopted.*

Mr. SPEAKER.—I will put the clauses to the House. There are no amendments. The question is:

“That Clauses 2 and 3 stand part of the Bill.”

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—The question is:

“That Clause 1, Title and Preamble stand part of the Bill.”

*The motion was adopted.*

Clause 1, the Title and the Preamble were added to the Bill.

*Motion to pass.*

Sri T. CHANNIAH.—Sir, I move:

“That the Mysore City and Town Municipalities (Amendment) Bill, 1955 be passed.”

Mr. SPEAKER.—The question is:

“That the Mysore City and Town Municipalities (Amendment) Bill, 1955 be passed.”

*The motion was adopted.*

### THE MYSORE SURVEY AND BOUNDARIES (AMENDMENT) BILL, 1955.

*Motion to consider.*

Sri T. CHANNIAH (Minister for Local Self-Government).—

Sir, I move:

“That the Mysore Survey and Boundaries (Amendment) Bill, 1955, as passed by the Legislative Council, be taken into consideration.”

There is provision in the present Mysore Survey and Boundaries Act for apportioning only the actual cost of labour and of the survey marks. The Act contains no provision for the recovery of other expenses relating to the survey such as cost of establishment, forms, etc. In view of the huge expenditure which the Government has to incur for the survey operations, it is considered necessary to levy a survey fee on the holder of the land surveyed to reimburse Government of the expenditure on the survey. It is also considered necessary to recover a portion of the survey expenses from the local bodies concerned, since they are benefited by such survey. These two are provided in the Bill. I commend this Bill for the acceptance of this House.

Mr. SPEAKER.—Motion moved:

“That the Mysore Survey and Boundaries (Amendment) Bill, 1955, as passed by the Legislative Council, be taken into consideration.”

**Sri J. MOHAMED IMAM (Jagalur).—**It applies not only to city municipalities but also to town municipal areas.

**Sri T. CHANNIAH.—**In the first instance, it extends to these four municipalities and later on to town municipalities.

**Sri T. MARIAPPA (Mysore City-North).—**As it is, it does not prevent the Government from extending it to all municipal areas.

**Sri S. SRINIVASA IYENGAR (T.-Narasipur).—**I oppose this Bill. Here is a Bill that has never been put into effect to which the Government are putting forward an amendment. I want to know what prompted the Government to do so when the enactment itself is not brought into effect.

**Mr. SPEAKER.—**It may be for the reason that without these amendments, they may not be able to survey effectively.

**\*Sri S. SRINIVASA IYENGAR.—**Had not the Government the necessary forethought when they introduced this enactment on the floor of the Legislature? We cannot be treated with scant courtesy by allowing an enactment to remain idle for 4 or 5 years and one fine morning introducing amendments to the enactment which has never been brought into force. The Government should be told that they should be more careful. Sir, the provisions of the Mysore Survey and Boundaries Act, 1951, has enough provisions. This Act is intended to regulate the survey of lands within the limits of a local authority. The survey of lands in any revenue village is governed by a different enactment. This Act was introduced for the purpose of regulating the survey of lands within the limits of a local authority. In this Act, under Section 7, enough provision has been made to recover the cost incurred by Government for such survey. Section 7 of the principal Act reads as follows:—

“7. The cost, if any, of the labour employed and of the survey marks used in any survey notified

under section 3, shall be determined and apportioned in the prescribed manner among the persons who have any interest in the land or in the boundaries of which the survey has been ordered and shall be recoverable from such persons as an arrear of land revenue. Notice of such determination and apportionment shall be given in the prescribed manner to the persons aforesaid.”

This provision embraces every possible contingency. If the person concerned does not pay the charges to Government, the Government has power of collection as if it was arrear of land revenue. There was also provision for apportionment. Then why should this Act be amended? Now how does the amendment read? I will proceed to that. The amendment says:

“7. (1) The registered holder of any land surveyed under this Act shall be liable to pay a survey fee assessed on the area of such land.”

The Government have been careful to provide also an explanation. They say:

“Survey fee payable under this Section shall include the cost, if any, of the labour employed and of the survey marks used in any survey notified under section 4.”

So, if we accept this amendment, then a registered holder of land residing within the limits of a local authority will be made to pay something more than what he was asked to pay under the principal Act. It is in respect of levying an extra fee other than what was contemplated in the principal Act. Where is the necessity? Government have no experience as to how it works, because they have not brought into effect the principal Act. Now the Government desire to amend section 7 by saying that a survey fee shall be levied on every registered holder according to the area surveyed. They also state that the survey fee shall include the cost of labour and the cost of boundary marks. Under the principal Act, the cost of boundary

(SRI S. SRINIVASA IYENGAR.) marks was alone liable to be borne by the registered holder. Now the Act levies a survey fee. Now this fee includes something else, the cost of labour employed and of the survey marks used. What do the Government mean by that? Where is the limitation? Even in the original Act the cost of labour has been taken into consideration. The meaning of that word labour is sufficiently wide. Labour does not mean merely the cooly. Labour means the work that is put by every person concerned. Nothing prevents the Government in taking into account the cost of labour, the labour that is put in by everybody in the survey. The meaning of labour can never be restricted to a cooly. Labour is a very wide term. So provision of a section like this is absolutely unhelpful. If we accept this, the citizens in the limits of the local authority will be subjected to additional levy.

Mr. SPEAKER.—Perhaps the interpretation given by the Hon'ble Member in regard to the term 'labour' may not be acceptable to lawyers or courts if there is a litigation to that effect.

Sri S. SRINIVASA IYENGAR.—I will be highly satisfied indeed if the Chair tells me that by the cost of labour Government mean charges paid to a cooly. Is that the interpretation that the Government desire to give to the word 'cost of labour'? Let them clarify that position. Even otherwise what is that that the Government would spend for a survey within the municipality except the fee for a surveyor—even the work to be done by a surveyor is only of one hour's or half an hour's duration. The salary of the surveyor for one hour is not much and if you want this amount to be collected then it is a different question.

Mr. SPEAKER.—With regard to the survey of lands, they levy a survey fee.

Sri S. SRINIVASA IYENGAR.—Quite right. Nothing prevents them from levying the same fee. In fact the Survey Department is a Service Department. Today whatever they recover as survey fee may not be equal to the expenditure Government incurs.

It is a nominal fee. Here they are doing something else; not only are they recovering the survey fee but also the cost of labour. The provision is sufficiently large. There is no need to bring in such an amendment unless it be that Government is anxious to collect more. Further, you can see that the Government has not specified that the fee should be collected from the holder. They want the local authority to pay the contribution. I cannot understand why Government want such a provision. When the holder himself is liable to pay the cost for his holding, why should the local authority also pay the contribution? In fact I have sent an amendment to this Bill in the section that deals with contribution, to local authorities. It runs as follows "When the survey of any land or boundary which has been undertaken under section 4 has been completed in accordance with the provisions of this Act, the expenses in connection with such survey.....& etc." What does that word 'expenses' include? Should the local body pay also the contribution under 25 General Administration? Is it the meaning of the Government? Do they want that, on a priority basis, the contribution is recoverable from the local authorities? They must be very clear. Moreover, this Bill itself is unnecessary, as they have not made out a case. This habit of keeping an enactment idle ever since the passing of the enactment and then rushing the same should be certainly discouraged. In fact, I say that it should be condemned. I therefore oppose this measure.

Mr. SPEAKER.—The House will now rise and meet at 3.35.

*The House adjourned for Lunch at Seven Minutes past Three of the Clock and met again at Thirty-five Minutes past Three of the Clock.*

[Mr. SPEAKER in the Chair]

Sri T. CHANNIAH (Minister for Public Health and Local Self-Government).—Sir, Sri Srinivasa Iyengar said that there is provision in the original Act,

for apportioning only the actual cost of labour and of the survey marks and that therefore there is no necessity to incur other expenditure. He pointed out that the original Act has not been implemented so far, though it was passed in 1951. Though the Act was passed in 1951, the rules have not been framed. There was delay. . . .

**Sri S. SRINIVASA IYENGAR.**—Why ?

**Sri T. CHANNIAH.**—It was proposed to introduce the Act in the cities of Bangalore, Mysore and Davangare and in K.G.F. to begin with. Before introducing the Act to these areas it was necessary to frame rules. On a scrutiny of the draft rules framed by the Commissioner for Settlement and Land Records, it was found that some of the important rules so framed were not covered by the Act. It became necessary therefore to amend the Act in respect of certain matters. There is provision in the present Act for apportioning only the actual cost of labour and of the survey marks. The Act contains no provision for the recovery of other expenses relating to the survey such as cost of establishment, forms, stationery, etc. In view of the huge expenditure which the Government has to incur for the survey operations, it is considered necessary to levy a survey fee on the holder of any land surveyed, to reimburse Government of the expenditure on the survey. Because the rules had not been framed, the original Act was not implemented and incidentally it was found that the Act had to be amended before the rules could be framed. The delay is therefore unavoidable.

Secondly, Sir, Sri Srinivasa Iyengar said that the cost of labour and boundary marks should be deemed to include other expenditure details of which he did not mention. As I said, the expenditure includes cost of establishment. The staff to be appointed consists of survey officer of the grade of Assistant Commissioner, supervisors, surveyors, first division clerks, second division clerks, attenders and peons. About 120 coolies will have to be employed daily. In these four places specified above the total

number of properties to be surveyed as estimated in 1953, is Rs. 1,19,282. The average cost per year on account of the staff works out to Rs. 50,747 and the probable period required to complete the survey work in the four areas is six years and the total cost of establishment for six years including cooly charges works out to about Rs. 4 lakhs. The holder of the land surveyed should not grudge to pay the survey fee, as under section 12, as the record of the survey becomes conclusive proof of the correctness of the boundaries determined and recorded therein, unless modified by a decree of a civil court in a suit. It is considered necessary to recover a portion of the survey expenses from the local bodies concerned, since they are benefited by such survey. The rate of levy will be fixed so as to cover the actual expenditure on establishment, forms, stationery etc., and nothing more. I commend the Bill for the acceptance of the House.

**Mr. SPEAKER.**—The question is :

“That the Mysore Survey and Boundaries (Amendment) Bill, 1955 be taken into consideration.”

*The motion was adopted.*

**Mr. SPEAKER.**—There are no amendments. Now Clauses 2 to 10.

The question is :

“That Clauses 2 to 10 stand part of the Bill.”

*The motion was adopted.*

Clauses 2 to 10 were added to the Bill.

**Mr. SPEAKER.**—Clause 1, Title and Preamble.

The question is :

“That Clause 1, the Title and the Preamble stand part of the Bill.”

*The motion was adopted.*

Clause 1, the Title and the Preamble were added to the Bill.

*Motion to pass.*

**Sri T. CHANNIAH.**—I beg to move :

“That the Mysore Survey and Boundaries (Amendment) Bill, 1955, be passed.”

**Mr. SPEAKER.**—The question is :

“That the Mysore Survey and Boundaries (Amendment) Bill, 1955 be passed.”

*The Motion was adopted*

### **MYSORE CINEMAS (REGULATION) (AMENDMENT) BILL, 1955.**

#### *Motion to consider*

**Sri H. SIDDAVEERAPPA** (Minister for Home).—Sir I beg to move that the Mysore Cinemas (Regulation) (Amendment) Bill, 1955 be taken into consideration.

Sir, the necessity for this amendment arose as a result of a request made by the Union Government to pass this clause as it is necessary in order to give effect to the provisions of the Central Act, viz., the Central Act No. XXVII of 1952, i.e., the Cinematograph Act, 1952 which is in force in the State to-day. If one looks into the Central Act, we find there are certain parts of that Act viz., parts 1, 2 and 4 which fall under the Union List. So far as the passing of Films and these things are concerned, it is in the Central Act. But the State has powers under entry No. 33 List II of 7th Schedule. So far as the licensing and other things are concerned, it is found, as our Act at present stands, there is no clause for punishing an offence committed under the Central Act. It has been suggested to us in view of the fact that it falls exclusively under the State Act and also in view of the fact that other Legislatures in Part A States and also Part B States have got a similar provision, we may pass this amendment also. I think Sir, it is a necessary amendment. I therefore commend this Bill for the approval of this House.

**Mr. SPEAKER.**—Motion moved :

“That the Mysore Cinemas (Regulation) (Amendment) Bill, 1955 be taken into consideration.”

**Sri S. SRINIVASAIYENGAR** (T. Narasipur).—I want some clarification in respect of this Bill, Sir. It is true that the State has the power of issuing a licence for exhibiting films in the State of Mysore. While granting that licence the State also lays down certain rules. If an exhibitor exhibits an uncertified film or exhibits a film which is intended for adults or children he will have committed an offence. That offence is punishable under section 7 of the Mysore Cinemas (Regulation) Act. Under section 8, the licence that has been granted to him to exhibit can be revoked. So, there cannot be any further offence in respect of exhibiting an uncertified film. Even under the existing law, it is possible for the State to take cognizance of that offence and withdraw his licence. So, I want to know why the Government wants to amend it in the manner that has been contained in the Bill.

**Sri H. SIDDAVEERAPPA.**—The point is very simple. Under Section 7 of our Act, it only provides penalties for contravention of the provisions relating to the places of the exhibition of the Cinematograph, etc., whereas section 7 of the Central Act provides penalties for exhibiting of any films in contravention of the provision pertaining to certification. These are two different and distinct things. Certification of a film is exclusively within the jurisdiction of the Centre; it does not come within the State jurisdiction. What the Centre now proposes by this amendment is to the effect that even in cases where there is an exhibition of film which is not certified, licence may be revoked. So far as licensing is concerned, it is entirely within the jurisdiction of the State. The Licensing authority alone has got the power to revoke it. Even though there is a contravention of an important provision, namely, section 7, the licence cannot now be revoked, because there is no provision in the Mysore Act.